

**Notice of Allowability**

Application No.

10/765,503

Examiner

Vanessa (Brandi) Coleman

Applicant(s)

NAKAYAMA ET AL.

Art Unit

2627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 31 October 2007.
2. ☒ The allowed claim(s) is/are 3,4 and 10-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material         | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 31 October 2007. These drawings are accepted.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gianni Minutoli on 10 December 2007.

The application has been amended as follows: In Claim 3, line 15, the phrase reading "lines defining said three light directing areas" is replaced with the phrase "lines defining said two first light directing areas for directing light to the light receiving device to detect a push-pull signal and said second light directing area for directing light to the light receiving device to detect a focus error signal".

### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance: Regarding claims 3, 4, and 10-14, the prior art of record, alone or in combination, fails to teach or disclose an optical pickup apparatus for reproducing information from an optical disk, comprising: a semiconductor laser applying a beam to the optical disk having two

recording layers through an objective lens; and a light receiving device to which light reflected from the optical disk is directed through said objective lens and a beam splitting device, wherein: said beam splitting device has two first light directing areas for directing light to the light receiving device to detect a push-pull signal and a second light directing area for directing light to the light receiving device to detect a focus error signal, and a configuration is provided such that the center of the optical axis of the reflected light in said beam splitting device is made to lie within said second light directing area for directing the light to the light receiving device to detect the focus error signal, and wherein: lines defining said three light directing areas comprise three straight lines, and each of at least two angles formed between respective ones of these lines is more than 90 degrees.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kadowaki et al, US Patent 7227819; Kokubo et al., US Patent 7019280; Miyake, US Patent Application Publication 20030090968; Miyazaki et al., US Patent 6850472; and Fukakusa, US Patent each disclose an optical pickup device including a diffraction element separated into 3 sections for directing light to light receiving elements in order to detect a push-pull and focus error signal. The prior art fails to disclose that the center of the optical axis of the reflected light in said beam splitting device is made to lie within said second light directing area for directing the light to the light receiving device to detect the focus error signal or that lines defining said

three light directing areas comprise three straight lines, and each of at least two angles formed between respective ones of these lines is more than 90 degrees.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa (Brandi) Coleman whose telephone number is (571) 272-9081. The examiner can normally be reached on Mon-Thurs 8:30-6; 1st Fri off, 2nd Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vanessa (Brandi) Coleman  
Art Unit 2627

VC

  
THANG V. TRAN  
PRIMARY EXAMINER